

33. (New) The packaging film of claim 31, wherein the film is a visually clear fresh meat or vegetable produce packaging film.

## REMARKS

### Status of the Claims

Claims 1-2, 4-5, 8-11, 18-19, 21-23 and 25-30 are currently pending.

The previous rejection to claims 18 and 22 under 35 U.S.C. 112, first paragraph, has been withdrawn.

The previous rejection to claims 1-2, 4-5, 8-11, 18-19, 21-23 and 25-29 under 35 U.S.C. 103(a), based upon U.S. Patent No. 5,248,546 to Greenlee (hereinafter the "Greenlee" reference) in view of U.S. Patent No. 4,127,685 to Busby et al., has also been withdrawn.

Claim 8 has been amended to depend from claim 1 rather than from cancelled claim 6, in order to reflect a proper dependency.

Claims 22-23, 25-26 and 29 have been deemed allowable.

Claim 30 has been objected to as depending from a rejected base claim, but has been deemed "allowable if rewritten in independent form to include all of the limitations of the corresponding base claim and any intervening claims." (June 14, 2006 Office Action at pp. 3-4). In light of this objection, independent claim 18, from which claim 30 depended, has been amended to include the limitations of claim 30. Applicants respectfully submit that this amendment has, in effect, rewritten claim 30 to include the limitations of the independent claim. Claim 30 has been canceled since its limitations have been incorporated into claim 18. There were no intervening claims. No new matter has been added by this amendment. Applicants respectfully submit that independent claim 18 as currently amended is in a condition for allowance. Applicants further submit that dependent claims 19, 21 and 28 are in a condition for allowance because they depend from a now amended and allowable independent claim.

New claims 31-33 have been added. New independent claim 31 recites a packaging film comprising at least two layers, wherein each layer comprises polyvinyl chloride and plasticizer, wherein the plasticizer is at least one of epoxidized soya bean oil or di(2-ethyl-hexyl) adipate; wherein the at least two polyvinyl chloride layers are adjacent to one another; and wherein the film is a visually clear packaging film. Support for this claim can be found throughout the specification at, for example, page 2, line 26 to page 3, line 2; and page 5, lines 1-3. New dependent claim 32 recites that the film further comprises at least one surface active agent that imparts anti-fog properties to the film. Support for this claim can be found throughout the specification at, for example, page 1, lines 17-19; page 3, lines 3-10, page 4, line 26 to page 5, line 10. New dependent claim 33 recites that the film is a visually clear fresh meat or vegetable produce packaging film. Support for this claim can be found throughout the specification at, for example, page 1, lines 16-19; page 2, lines 25-30, and page 5, lines 24-29. No new matter has been added by the addition of these claims, and Applicants believe that these claims are in a condition for allowance.

Claims 1-2, 4-5, 8-11, 18-19, 21, 27 and 28 are currently rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the Greenlee reference. Independent claims 1 and 18 have been amended in this Amendment and Response. The present amendment to claim 18 is addressed above. Claim 1 has been amended to recite a packaging film comprising at least two layers, wherein each layer comprises polyvinyl chloride and plasticizer, wherein the plasticizer is at least one of epoxidized soya bean oil or di(2-ethyl-hexyl) adipate. Claim 1 as currently amended further recites that the at least two polyvinyl chloride layers are adjacent to one another, and that the at least two layers are sufficiently distinct from each other to have different melting points and one of said at least two layers melts and seals to itself when heat is transferred through the other layer.

Applicants respectfully submit that the pending rejection of claims 1-2, 4-5, 8-11, 18-19, 21, 27 and 28 under 35 U.S.C. §102(b) cannot be maintained against the claims as currently amended. Applicants therefore respectfully request withdrawal of the rejection and allowance of those respective claims. To the extent that the current rejection under 35

U.S.C. §102(b) is maintained with respect to any of the claims as currently amended, the Applicants respectfully traverse the rejection and request consideration of the argument regarding the 102(b) rejection provided below.

**35 U.S.C. §102(b)**

Claims 1-2, 4-5, 8-11, 18-19, 21, 27 and 28 are currently rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the Greenlee reference. For the reasons discussed above, Applicants believe that this rejection has been overcome with respect to claims 18, 19, 21 and 28, and respectfully submit that these claims are now in a condition for allowance. Applicants further believe that the currently presented amendments to independent claim 1 also overcome the pending rejection in light of Greenlee, and that claim 1 and its dependent claims are also now in a condition for allowance.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (See MPEP §2131).

Claim 1 has been amended to recite, among other things, a packaging film comprising at least two layers, wherein the at least two layers are sufficiently distinct from each other to have different melting points and one of said at least two layers melts and seals to itself when heat is transferred through the other layer. As recognized in the June 14, 2006 Office Action, the Greenlee reference “does not teach or suggest the recited packaging film further including the limitation” that “one of said at least two layers melts and seals to itself when heat is transferred through the other layer.” (June 14, 2006 Office Action at p. 3). Applicants therefore respectfully submit that the Greenlee reference does not include all of the limitations of currently amended claim 1, and claims 2, 4-5, 8-11, and 27, which depend therefrom.

In light of the amendments in the currently presented claims, and the arguments provided herein, the Applicants respectfully request that the pending rejection under 102(b) be withdrawn and that currently amended claims 1-2, 4-5, 8-11, 18-19, 21, 27 and 28 be allowed.

## CONCLUSION

Claims 22-23, 25-26 and 29 have been deemed allowable. Claims 1-2, 4-5, 8-11, 18-19, 21, 27 and 28 are currently rejected under 35 U.S.C. §102(b) as allegedly being anticipated by the Greenlee reference. Claim 30 has been canceled because the limitations therein have been incorporated into claim 18, the independent claim from which claim 30 previously depended. New claims 31-33 have been added.

In view of the amendments and arguments provided herein, Applicants believe that the pending rejection of claims 1-2, 4-5, 8-11, 18-19, 21, 27 and 28 under 35 U.S.C. §102(b) has been overcome. Applicants respectfully submit that these claims as currently amended are therefore in a condition for allowance.

Applicants also respectfully submit that new claims 31-33 are in a condition for allowance.

Applicants therefore respectfully request that claims 1-2, 4-5, 8-11, 18-19, 21-23, 25-29, and 31-33 be allowed.

Applicants believe that a fee of \$200.00 is due in conjunction with the filing of this Amendment and Response due to the addition of an independent claim. The Commissioner is authorized to charge the claim fee, and any additional fees which may be required, or credit any overpayment to Account No. 13-0017, in the name of McAndrews, Held & Malloy, Ltd.

Respectfully submitted,

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